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**UNITED STATES DISTRICT COURT  
 FOR THE DISTRICT OF NEVADA**

JOHN ANTHONY CASTRO,

Plaintiff,

vs.

SECRETARY OF STATE FRANCISCO  
 V. AGUILAR, DONALD JOHN  
 TRUMP,

Defendants.

Case No. 2:23-cv-01387-RFB-BNW

**MOTION FOR LEAVE TO FILE  
 AMICI CURIAE BRIEF BY  
 AMICI CURIAE CHRISTINA  
 GIUNCHIGLIANI, STEVEN  
 BACUS, & MARCI  
 PEZNOWSKI**

Nevada residents Christina Giunchigliani, Steven Bacus, and Marcia Penzowski respectfully move for leave to file an amicus curiae brief in this matter (in support of neither party). The proposed brief, attached as Exhibit 1, substantially conforms to Rule 29 of the Federal Rules of Appellate Procedure. The brief is attached in compliance with Rule 29(a)(6) of the Federal Rules of Appellate Procedure's instruction to putative amicus curiae to file briefs accompanied by a motion for leave to file.

Federal district courts have "broad discretion" to grant leave to file a brief *amicus curiae*. *Center for Biological Diversity v. United States Env'tl. Prot. Agency*, 2023 WL 4542990, at \*2 (D. Ariz. 2023) (citing *Hoptowit v. Ray*, 682 F.2d 1237, 1260 (9th Cir. 1982)). "Historically, an *amicus curiae* acted as a friend of the court to advise it so that justice may be done, rather than to advocate a point of view so that a cause may be won by one side or the other." *Id.* (cf. *Allen v. County Sch. Bd. of Prince*

1 *Edward Co.*, 28 F.R.D. 358, 362 n.2 (E.D. Va. 1961)). “An *amici* brief should  
 2 supplement and assist in a case of general public interest, supplement the efforts of  
 3 counsel, and draw the court’s attention to law that might otherwise escape  
 4 consideration.” *Id.* (citing *Miller-Wohl Co. v. Commissioner of Labor & Indus.*, 694  
 5 F.2d 203, 204 (9th Cir. 1982)).

6 “Although no Federal Rule of Civil Procedure governs amicus participation in  
 7 a district court case, district courts commonly look for guidance to Federal Rule of  
 8 Appellate Procedure 29, which governs amicus curiae briefs in the United States  
 9 Circuit Courts of Appeals.” *United States v. Bd. of Cnty. Commissioners of the Cnty.*  
 10 *of Otero*, 184 F. Supp. 3d 1097, 1115 (D.N.M. 2015). Rule 29(a)(3) requires a motion  
 11 for leave to file an amicus brief to state “the movant’s interest” and “the reason why  
 12 an amicus brief is desirable and why the matters asserted are relevant to the  
 13 disposition of the case.” FRAP 29(a)(3).

14 *Amici* are Nevada residents with a demonstrated interest in the vitality of  
 15 Nevada’s elections. *Amici* recognize the importance of adequate briefing of core  
 16 constitutional issues as an essential component of our judicial process. *Amici* have an  
 17 interest in ensuring that elections are fair and that constitutionally unqualified  
 18 candidates are not able to access the ballot or serve in office. To protect the interests  
 19 of voters and the functioning of the democratic process, *amici* believe it is important  
 20 that courts resolve such consequential issues only if it is necessary and only after  
 21 such issues have been adequately briefed.

22 The anticipated amicus brief is desirable in providing additional perspective  
 23 on a matter of critical national and constitutional importance, and its analyses and  
 24 arguments are relevant to this dispute. *See* FRAP 29(a)(3)(B). *Amici* hope to highlight  
 25 for the Court relevant case law concerning the political question doctrine - a doctrine  
 26 that has not been adequately briefed by the parties in this matter. This authority  
 27 could bear directly on the Court’s final disposition.

1 Accordingly, *amici* respectfully request that the Court grant them leave to file  
2 the attached amicus brief in this matter.

3 DATED this 11th day of December, 2023.

4 **BRAVO SCHRAGER LLP**

5  
6 By: /s/ Bradley S. Schrager

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**CERTIFICATE OF SERVICE**

I hereby certify that on this 11th day of December, 2023, a true and correct copy of the **MOTION FOR LEAVE TO FILE AMICI CURIAE BRIEF BY AMICI CURIAE CHRISTINA GIUNCHIGLIANI, STEVEN BACUS, & MARCI PEZNOWSKI** was served by electronically via the United States District Court CM/ECF system on all parties or persons requiring notice.

By: /s/ Dannielle Fresquez  
Dannielle Fresquez, an Employee of  
BRAVO SCHRAGER LLP